

105TH CONGRESS
2D SESSION

S. 1706

To amend title 23, United States Code, to encourage States to enact laws that ban the sale of alcohol through a drive-up or drive-through sales window.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 1998

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to encourage States to enact laws that ban the sale of alcohol through a drive-up or drive-through sales window.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BAN ON SALE OF ALCOHOL THROUGH DRIVE-**
4 **UP OR DRIVE-THROUGH SALES WINDOWS.**

5 (a) IN GENERAL.—Chapter 1 of title 23, United
6 States Code, is amended by inserting after section 153 the
7 following:

1 **“§ 154. Ban on sale of alcohol through drive-up or**
 2 **drive-through sales windows**

3 “(a) WITHHOLDING OF APPORTIONMENTS FOR NON-
 4 COMPLIANCE.—

5 “(1) FISCAL YEAR 2000.—The Secretary shall
 6 withhold 5 percent of the amount required to be ap-
 7 portioned to any State under each of paragraphs
 8 (1)(A), (1)(C), and (3) of section 104(b) on October
 9 1, 1999, if the State does not meet the requirements
 10 of paragraph (3) on that date.

11 “(2) SUBSEQUENT FISCAL YEARS.—The Sec-
 12 retary shall withhold 10 percent (including any
 13 amounts withheld under paragraph (1)) of the
 14 amount required to be apportioned to any State
 15 under each of paragraphs (1)(A), (1)(C), and (3) of
 16 section 104(b) on October 1, 2000, and on October
 17 1 of each fiscal year thereafter, if the State does not
 18 meet the requirements of paragraph (3) on that
 19 date.

20 “(3) REQUIREMENTS.—A State meets the re-
 21 quirements of this paragraph if the State has en-
 22 acted and is enforcing a law (including a regulation)
 23 that bans the sale of alcohol through a drive-up or
 24 drive-through sales window.

25 “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-
 26 ANCE AND NONCOMPLIANCE.—

1 “(1) PERIOD OF AVAILABILITY OF WITHHELD
2 FUNDS.—

3 “(A) FUNDS WITHHELD ON OR BEFORE
4 SEPTEMBER 30, 2002.—Any funds withheld
5 under subsection (a) from apportionment to any
6 State on or before September 30, 2002, shall
7 remain available until the end of the third fiscal
8 year following the fiscal year for which the
9 funds are authorized to be appropriated.

10 “(B) FUNDS WITHHELD AFTER SEPTEMBER
11 BER 30, 2002.—No funds withheld under this
12 section from apportionment to any State after
13 September 30, 2002, shall be available for ap-
14 portionment to the State.

15 “(2) APPORTIONMENT OF WITHHELD FUNDS
16 AFTER COMPLIANCE.—If, before the last day of the
17 period for which funds withheld under subsection (a)
18 from apportionment are to remain available for ap-
19 portionment to a State under paragraph (1)(A), the
20 State meets the requirements of subsection (a)(3),
21 the Secretary shall, on the first day on which the
22 State meets the requirements, apportion to the State
23 the funds withheld under subsection (a) that remain
24 available for apportionment to the State.

1 “(3) PERIOD OF AVAILABILITY OF SUBSE-
2 QUENTLY APPORTIONED FUNDS.—

3 “(A) IN GENERAL.—Any funds appor-
4 tioned under paragraph (2) shall remain avail-
5 able for expenditure until the end of the third
6 fiscal year following the fiscal year in which the
7 funds are so apportioned.

8 “(B) TREATMENT OF CERTAIN FUNDS.—
9 Sums not obligated at the end of the period re-
10 ferred to in subparagraph (A) shall lapse.

11 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
12 end of the period for which funds withheld under
13 subsection (a) from apportionment are available for
14 apportionment to a State under paragraph (1), the
15 State does not meet the requirements of subsection
16 (a)(3), the funds shall lapse.”.

17 (b) CONFORMING AMENDMENT.—The analysis for
18 chapter 1 of title 23, United States Code, is amended by
19 inserting after the item relating to section 153 the follow-
20 ing:

“154. Ban on sale of alcohol through drive-up or drive-through sales windows.”.

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